

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

22 APR 1976

The Honorable Robert E. Hampton
Chairman, U. S. Civil Service Commission
1900 E Street, N. W.
Washington, D. C. 20415

Dear Mr. Hampton:

In order to fulfill our mission, the Central Intelligence Agency depends to a large extent on the services of members of the competitive service. Such individuals on assignment from their parent organizations are required to meet Agency security standards since they are placed in staff positions or assigned to positions requiring staff-like access to Agency facilities and information. The standard for determining security eligibility normally includes a full field investigation as well as a polygraph interview. The polygraph examination, as administered by this Agency, is a condition precedent to employment and is treated as an integral part of our investigation process.

In view of the above, and pursuant to Appendix D, Chapter 736, Federal Personnel Manual, your approval is sought for the administering of polygraph examinations by this Agency to individuals assigned from the competitive service.

Sincerely,

/s/John F. Blake

John F. Blake
Deputy Director
for
Administration

Enclosures

- 1 - Statement of Agency Mission
- 2 - Regulation Governing Use of Polygraph



CIA MISSION

The mission of the Central Intelligence Agency is prescribed by section 102(d) of the National Security Act of 1947, as follows:

(d) For the purpose of coordinating the intelligence activities of the several Government departments and agencies in the interest of national security, it shall be the duty of the Agency, under the direction of the National Security Council--

(1) to advise the National Security Council in matters concerning such intelligence activities of the Government departments and agencies as relate to national security;

(2) to make recommendations to the National Security Council for the coordination of such intelligence activities of the departments and agencies of the Government as relate to the national security;

(3) to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities: Provided, That the Agency shall have no police, subpoena, law-enforcement powers, or internal-security functions: Provided further, That the departments and other agencies of the Government shall continue to collect, evaluate, correlate, and disseminate departmental intelligence: And provided further, That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

(4) to perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

This mission is further defined in section 4(b) of Executive Order No. 11905 of February 18, 1976:

(b) The Central Intelligence Agency. All duties and responsibilities of the Central Intelligence Agency shall be related to the foreign

intelligence functions outlined below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations, and directives, the Central Intelligence Agency shall:

(1) Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, sociological, and geographic intelligence, to meet the needs of the President, the National Security Council, and other elements of the United States Government.

(2) Develop and conduct programs to collect political, economic, scientific, technical, military, geographic, and sociological information, not otherwise obtainable, relating to foreign intelligence, in accordance with directives of the National Security Council.

(3) Collect and produce intelligence on foreign aspects of international terrorist activities and traffic in narcotics.

(4) Conduct foreign counterintelligence activities outside the United States and when in the United States in coordination with the FBI subject to the approval of the Attorney General.

(5) Carry out such other special activities in support of national foreign policy objectives as may be directed by the President or the National Security Council and which are within the limits of applicable law.

(6) Conduct, for the Intelligence Community, services of common concern as directed by the National Security Council, such as monitoring of foreign public radio and television broadcasts and foreign press services, collection of foreign intelligence information from cooperating sources in the United States, acquisition and translation of foreign publications and photographic interpretation.

(7) Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized in this subsection.

(8) Protect the security of its installations, activities, information and personnel. In order to maintain this security, the CIA shall conduct such investigations of applicants, employees, and other persons with similar associations with the CIA as are necessary.

(9) Conduct administrative, technical and support activities in the United States or abroad as may be necessary to perform the functions described in paragraphs (1) through (8) above, including

procurement, maintenance and transport; communications and data processing; recruitment and training; the provision of personnel, financial and medical services; development of essential cover and proprietary arrangements; entering into contracts and arrangements with appropriate private companies and institutions to provide classified or unclassified research, analytical and developmental services and specialized expertise; and entering into similar arrangements with academic institutions, provided CIA sponsorship is known to the appropriate senior officials of the academic institutions and to senior project officials.

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23 March 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting at Civil Service Commission on Procedure to Obtain
Permission to Polygraph Competitive Service Employees

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1. On 18 March 1976 Mr. [REDACTED], Chief, Industrial & Certification Branch, Office of Security; Mr. [REDACTED] Chief, Polygraph Branch; Mr. [REDACTED] Chief, Headquarters Security Branch and the undersigned met with Mr. Robert Drummond, Director, Bureau of Investigations, Civil Service Commission; Mr. Joseph Knazik, Chief, Office of Security Appraisal, Civil Service Commission; Mr. Llewellyn Fischer, Attorney Advisor, Office of General Counsel, Civil Service Commission and Mr. Ben Schiffman, Regional Director of Administration, GSA. Mr. [REDACTED] explained the urgent need of the Agency for additional Federal Protective Service guards. He stated that GSA had agreed to hire such guards specially for CIA and make their acceptability to CIA a condition of employment. Cooperation was sought in obtaining permission to polygraph these and other competitive service employees and applicants in accordance with Appendix D, Subchapter 736 of the Federal Personnel Manual. It was noted that a similar Defense Department request had been stalled for two years and it was hoped that the Agency might beat this mark by rather a wide margin.


STATINTL

2. Mr. Drummond explained that each time the Civil Service Commission had suggested changes in the Defense Department polygraph directive, DoD took months to crank out and coordinate the revision. Mr. Drummond stated that he would brief the Chairman of the Civil Service Commission to alert him to the fact that our submission would arrive in the near future and he would do everything he could to move paper out of his office as quickly as possible. Mr. Drummond noted, however, that some delay might result because the Chairman of the Civil Service Commission was reluctant to approve use of the polygraph while Representative Abzug was criticizing such use.


3. Mr. Fischer stated as a point of information that the Civil Service Commission's interpretation of Subchapter 736 was that permission to polygraph was required anytime a competitive service appointee was polygraphed, not just in cases in which the polygraph examination was a condition of employment.

4. The undersigned sought and received assurances from Messrs. Drummond and Fischer that the Agency could obtain permission to polygraph employees of other agencies-departments without the prior approval of these other agencies or departments and without these other agencies or departments seeking permission from Civil Service Commission.

5. The proposed Defense Department directive on the use of the polygraph was reviewed. Those sections which would be included in the Agency directive were detailed. The Civil Service Commission representatives made some suggestions and opined that the proposed Agency directive would pass muster without problems.


Office of General Counsel
Operations & Management Law Division

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Appendix D. Use of the Polygraph in Personnel Investigations of Competitive Service Applicants and Appointees to Competitive Service Positions

D-1. AGENCIES WHICH MAY USE THE POLYGRAPH

a. An executive agency which has a highly sensitive intelligence or counterintelligence mission directly affecting the national security (e.g., a mission approaching the sensitivity of that of the Central Intelligence Agency) may use the polygraph for employment screening and personnel investigations of applicants for and appointees to competitive service positions only after complying with the requirements in D-2 and D-3 below.

b. All other uses of a polygraph to screen applicants for and appointees to competitive positions are forbidden regardless of whether the polygraph examination is administered by the agency concerned or was obtained by that agency from another source such as an examination given previously by another Federal agency or by a non-Federal agency.

D-2. DETERMINING WHETHER AGENCY MISSION MEETS CRITERIA

The executive agency must submit to the Chairman of the Civil Service Commission (a) a statement of the nature of its mission and (b) a copy of its current regulations and directives governing use of the polygraph as provided in D-3 below (or a citation to them if there has been no change since they were previously submitted and approved). The Chairman shall then determine whether the agency has an intelligence or counterintelligence mission directly affecting the national security and whether the regulations and directives meet current approval requirements.

D-3. REVIEW OF AGENCY REGULATIONS AND DIRECTIVES

a. The agency shall prepare regulations and directives governing use of the polygraph in employment screening and personnel investigations which must be reviewed and approved by the Chairman of the Civil Service Commission. These shall contain at a minimum:

(1) Specific purposes for which the polygraph may be used, and details concerning the types of positions or organizational entities in which it will be used, and the officials authorized to approve these examinations.

(2) A directive that a person to be examined must be informed as far in advance as possible of the intent to use the polygraph and of—

(a) Other devices or aids to the interrogation which may be used simultaneously with the polygraph, such as voice recordings.

(b) His privilege against self-incrimination and his right to consult with legal counsel or to secure other professional assistance prior to the examination.

(c) The effect of the polygraph examination, or his refusal to take this examination, on his eligibility for employment. He shall be informed that refusal to consent to a polygraph examination will not be made a part of his personnel file.

(d) The characteristics and nature of the polygraph machine and examination, including an explanation of the physical operation of the machine, the procedures to be followed during the examination, and the disposition of information developed.

(e) The general areas of all questions to be asked during

(3) A directive that no polygraph examination will be given unless the person to be examined has voluntarily consented in writing to be examined after having been informed of the above, (a) through (e).

(4) A directive that questions to be asked during a polygraph examination must have specific relevance to the subject of the particular inquiry.

(5) Adequate standards for the selection and training of examiners, keeping in mind the Government's objective of insuring protection for the subject of an examination and the accuracy of polygraph results.

(6) A provision for adequate monitoring of polygraph operations by a high-level official

to prevent abuses or unwarranted invasions of

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(7) A provision for adequate safeguarding of files, charts, and other relevant data developed through polygraph examinations to avoid unwarranted invasions of privacy.

D-4. RESTRICTION ON APPROVAL TO USE THE POLYGRAPH

Approval to use the polygraph will be granted only for 1-year periods → and is conditioned upon prior approval of the agency's regulations and directives as provided in D-3 above. ← An agency given approval to use the polygraph for competitive service positions will be required to recertify annually that the conditions which led to the original certification still exist in the agency.

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